

REMARKS

Claims 1-10 and 15-28 are pending in the application. Claims 20, 23, and 24 have been allowed.

Claims 1-8, 16-18 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vannoy et al. U.S. 5,830,348 in view of Verlinden US 3,958,904 and Wagner U.S. 1,371,530. Claims 9, 10, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vannoy '348 and Verlinden '904 and Wagner '530 and further in view of Stifano US 4,109,820. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vannoy '348 in view of Verlinden '904, Wagner '530 and Gizowski et al. U.S. 2001/0000894 A1.

Reconsideration of Applicants' claims is respectfully requested. Applicants' remarks regarding Vannoy and Verlinden in the prior response mailed December 30, 2009 are herein incorporated by reference.

In view of the prior claim amendments the Examiner acknowledges that Vannoy does not teach that the lip bottom merges with the lateral wall in the direction of the peripheral wall along a first end of an inward curved section, tapering inwards, in a forming region or that glue or a weld connects at least one section of the common wall section to the peripheral wall.

The Examiner indicates that the newly cited Wagner reference demonstrates that the particular technique of providing the lip bottom merging with the lateral wall in the direction of the peripheral wall along a first end of an inward curved edge section and a second end of the curved edge section merges into a horizontal lid bottom which is recognized in the art.

The Wagner reference discloses on page 1, lines 10-14, a receptacle which includes ice cream cans or containers for milk and such liquids, in which it is highly essential that absolute cleanliness be maintained. Such containers are not exposed to an internal pressure like the claimed container of the present invention, and it is respectfully submitted that one in the ordinary skill in the art would not be led in the direction taken by the Applicants nor led to consider any teachings disclosed by Wagner.

As disclosed on page 1, lines 15-21, Wagner teaches an object of his invention is to provide a sanitary can or receptacle in which the bottom or wall end is so joined to the side wall as to avoid any abrupt angles or corners which might afford crevices in which the fluid contained therein may collect or be secreted. The bottom or end wall 2 of Wagner includes a feather edge 5, see Fig. 2, that extends laterally beyond flange 3 and is arranged to be turned backwardly as shown, for example, in Fig. 4.

After insertion of the bottom annular wall 2, feather edge 5 is located between the upper end flange and side wall 1, see lines 82-95, between the upper end flange 3 of side wall 1.

As flange 3 corresponds to the claimed lateral wall 16, Fig. 4 shows that flange 3 of Wagner is not in contact with side wall 1 "along the entire length of the lateral wall" as claimed in claims 1, 25 and 26.

Regarding common wall section 15 as claimed, it is unclear if the Examiner considers common edge 5 part of the claimed wall section. As illustrated in Fig. 4, common edge 5 tapers outwards instead of tapering inwards as claimed in independent claims 1, 25 and 26.

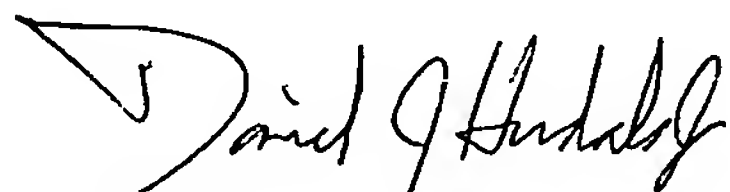
It is an essential feature that the common wall section as claimed extends inwardly because glue or a weld connects the common wall section to the peripheral wall. Only an inwardly extending common wall enables the Applicants to utilize the internal pressure acting on the common wall section and inserting an additional sealing force, see arrow F in Fig. 2a, as well as page 10 of the application. One of ordinary skill in the art would be led in an opposite direction in view of the scope and content of Wagner.

To the contrary, feather edge 5 of Wagner is located behind the upper end of the curved part of bottom wall 2 so that a force cannot act perpendicularly on the feathered edge. Wagner, therefore, is similar to reference DE 19958649.7 cited in the background of the invention wherein the force of internal pressure leads to the loosening of the lateral wall and to a formation of cracks in the connecting region. In view of the teachings of the references, it is respectfully submitted that one of ordinary skill in the art would not be led to arrive at the present invention as claimed.

Should the Examiner have any questions or concerns regarding the amendment,
a telephone call to the undersigned is greatly appreciated.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. LPA

A handwritten signature in black ink, appearing to read "Daniel J. Hudak, Jr.", written in a cursive style.

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